

REMARKS

Status of the Claims

claims 1-27 are currently pending in this application. By this amendment, claims 15-21 are amended. Applicant believes that these changes present no new matter. Reconsideration of this application is respectfully requested.

Rejections under 35 U.S.C. § 101

Claims 15-21 are rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. These claims have been amended to replace “article” with “computer program product.” Withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-6, 8-13, 15-20, and 22-26 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent No. 6,426,961 to Nimmagadda (“Nimmagadda”) in view of U.S. Patent No. 4,882,749 to Zuk (“Zuk”). Applicant requests withdrawal of this rejection for at least the following reasons.

Independent claims 1, 8, 15, and 22 involve a first node and a second node. As recited in these claims, a request is issued from the second node to the first node. Based on this request, an amplitude and a frequency are changed.

The Examiner asserts on page 3 of the Office Action that Nimmagadda discloses this claimed request feature at column 17, lines 37-57. Applicant respectfully disagrees. This portion of Nimmagadda merely discloses a mode selection from a user of a device (a “subscriber’s computer”) that communicates with a remote device. More particularly, this portion of Nimmagadda does not disclose a request from the remote device (or a second node, as recited in the independent claims).

As discussed above, the independent claims further recite features regarding the selection of an amplitude and a frequency. On page 3 of the Office Action, the Examiner acknowledges that Nimmagadda fails to disclose such features. Nevertheless, the Examiner asserts that these features are disclosed by Zuk at column 2, lines 34-53.

Applicant respectfully disagrees. This passage in Zuk involves the determination of existing amplitude and frequency characteristics in an input signal. However, this passage is silent with respect to the selection of amplitude and frequency, as recited in the independent claims.

Accordingly, the features of independent claims 1, 8, 15, and 22 are neither taught nor suggested by Nimmagadda and Zuk. Therefore, Applicant respectfully requests that this rejection be withdrawn.

Conclusion

Applicant believes that all the stated grounds of rejection and objection have been properly traversed, accommodated, or rendered moot. Applicant further believes that a full and complete response has been made to the office action. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to deposit account 50-0221.

Respectfully submitted,

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